CONFERENCE ON DISARMAMENT

CD/1645
6 June 2001

ENGLISH
Original: CHINESE and
ENGLISH

LETTER DATED 5 JUNE 2001 FROM THE PERMANENT REPRESENTATIVE OF CHINA ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A WORKING PAPER ENTITLED "POSSIBLE ELEMENTS OF THE FUTURE INTERNATIONAL LEGAL INSTRUMENT ON THE PREVENTION OF THE WEAPONIZATION OF OUTER SPACE"

Upon the instruction from the Chinese government, I have the honor to attach herewith the Chinese and English text of a working paper entitled *"Possible Elements of the Future International Legal Instrument on the Prevention of the Weaponization of Outer Space"*.

I would be grateful if this document could be issued and circulated as an official document of the Conference on Disarmament.

(Signed): Hu Xiaodi
Ambassador for Disarmament Affairs
Head of Delegation of China to
The Conference on Disarmament

Delegation of China

Possible Elements of the Future International Legal Instrument on the Prevention of the weaponization of Outer Space

China is dedicated to promoting the international community to negotiate and conclude an international legal instrument on the prevention of the weaponization of and an arms race in outer space. In February 2000, the Chinese delegation submitted to the Conference on Disarmament a working paper (CD/1606, 9 February 2000) entitled *"China's Position on and Suggestions for Ways to Address the Issue of Prevention of an Arms Race in Outer Space at the Conference on Disarmament"*, which outlined China's tentative ideas on the above mentioned international legal instrument. China has further substantiated and developed these ideas. In our view, the future legal instrument may include, *inter alia*, the following elements:

* * *

I. Possible Name of the Instrument

-Treaty on the Prevention of the Weaponization of Outer Space.

II. Preamble

-Outer space is the common heritage of mankind. It is the common aspiration of mankind to use outer space for peaceful purposes.

-Outer space is playing an ever-increasing role in future development of mankind.

-There is a potential danger of armament development and combatant activities being extended to outer space.

-Prevention of the weaponization of and an arms race in outer space becomes a realistic and pressing task facing the international community.

-The United Nations General Assembly has adopted a series of resolutions on peaceful uses of outer space and prevention of an arms race in outer space, which have provided a prerequisite for and a basis of the prevention of the weaponization of and an arms race in outer space.

-The existing arms limitation and disarmament agreements relevant to outer

space, including those bilateral ones, and the existing legal regime concerning the use of outer space, have played a positive role in the peaceful use of outer space and the regulating of activities in outer space. These agreements and regime should be strictly complied with. However, these agreements and legal regime are unable to effectively prevent the weaponization of and an arms race in outer space.

-For the benefits of mankind, outer space shall always be used for peaceful purposes, and shall never be allowed to become a battlefield.

-Only strict prevention of the weaponization of outer space can eliminate the emerging danger of an arms race in outer space and fully safeguard the security of outer space properties of all countries, which is indispensable for maintaining global strategic balance, world peace and security of all countries.

III. Basic Obligations

- Not to test, deploy or use in outer space any weapons, weapon systems or their components.

- Not to test, deploy or use on land, in sea or atmosphere any weapons, weapon systems or their components that can be used for war-fighting in outer space.

- Not to use any objects launched into orbit to directly participate in combatant activities.

- Not to assist or encourage other countries, regions, international organizations or entities to participate in activities prohibited by this legal instrument.

IV. Definitions

- *Outer space* is the space above the earth' s atmosphere, i.e. space 100km above the sea level of the earth.

- *Weapons* are devices or facilities that strike, destroy or disrupt directly the normal functions of a target by various destructive ways.

- *Weapon systems* are the collective of weapons and their indispensably linked parts that jointly accomplish battle missions.

- *Components of weapon systems* are subsystems that directly and indispensably involved in accomplishing battle missions.

V. National Measures for Implementation

-Each country shall, in accordance with its constitutional process, take any

necessary measures to prohibit or prevent any activities in violation of this legal instrument on its territory or in any other place under its jurisdiction or control.

VI. Peaceful Use of Outer Space

-This legal instrument shall not be construed as impeding scientific exploration in outer space by all its States Parties or other military uses not prohibited by this legal instrument.

-Each country shall abide by general principles of international laws in conducting outer space activities, and shall not undermine the sovereignty, security and interests of the other countries.

VII. Confidence Building Measures

- To enhance mutual trust, each State Party shall promulgate its space programme, declare the locations and scopes of its space launch sites, the property and parameters of objects to be launched into outer space, and notify the launching activities.

VIII. Verification Measures

(Needs further consideration and development)

IX. Settlement of Disputes

- If a State Party suspects treaty violation by another State Party, States Parties concerned shall undertake to consult and cooperate to resolve the issue. Each State Party shall have the right to request clarification from the suspected State Party. The suspected State Party is obliged to provide relevant information to clarify the matter.

- If consultation and clarification fail to produce satisfactory results for the States Parties concerned, the suspecting State Party can file charges to the executive organization of this legal instrument. The charges shall include the supporting evidence as well as the request for the organization to review the matter.

- Each State Party undertakes to cooperate in the investigation by the executive organization of this legal instrument in accordance with the request it has received.

X. Executive Organization of this Legal Instrument

In order to achieve the purposes and objectives of this legal instrument, and

ensure compliance with the obligations of this instrument, the States Parties hereby establish an executive organization of this legal instrument, whose duties are, inter alia, as follows:

- To receive charges of non-compliance by States Parties.

- To investigate whether there are non-compliant activities.

- To organize consultations on non-compliance concerns between States Parties concerned.

- To urge States Parties that have violated this legal instrument to take measures to stop non-compliant activities and make up for the consequences arising therefrom.

XI. Amendments

- Any State Party may propose amendments to this legal instrument. The text of any proposed amendment shall be submitted to the depositary who shall circulate it to all the State Parties. Thereupon, if requested to do so by one-third or more of the States Parties, the depositary shall convene a conference, to which he shall invite all the States Parties, to consider such an amendment.

- Any amendment to this legal instrument must be approved by a majority of vote of all its States Parties. The amendment shall enter into force for all the States Parties upon the deposit of such instruments of ratification by a majority of all the States Parties.

XII. Duration and Withdrawal

- This legal instrument shall be of unlimited duration.

- Each State Party to this legal instrument shall, in exercising its national sovereignty, have the right to withdraw from this legal instrument if it decides that extraordinary events, related to the subject matter of this legal instrument, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the depositary of this legal instrument six months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

XIII. Signature and Ratification

-This legal instrument shall be open for signature by all States at United Nations headquarters in New York. Any State which does not sign this legal instrument before its entry into force may accede to it at any time.

-This legal instrument shall be subject to ratification by the signatory states. Instrument of ratification or accession shall be deposited with the Secretary-General of the United Nations.

XIV. Entry into Force

- This legal instrument shall enter into force upon the deposit of instruments of ratification by XX States including the Permanent Member States of the United Nations Security Council.

- For those States whose instruments of ratification or accession are deposited after the entry into force of this legal instrument, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

XV. Authentic Texts

-This legal instrument, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

* * *

The Chinese delegation would like to reiterate that the above-mentioned elements are still very tentative. Further revision, amendment, improvement and perfection are needed. We are ready, in an open attitude, to work with other delegations, to conclude at an early date a legal instrument aimed at preventing the weaponization of and an arms race in outer space, through hard work and serious negotiations.